



GREENWOOD COMMON COUNCIL APRIL 5, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

Boy Scout Troop 545 led the audience in the Pledge of Allegiance, after which Pastor Tom Bridges of the First Baptist Church led in prayer. Mayor Henderson asked the representatives from Troop 545 to introduce themselves and presented them with City of Greenwood pins.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.
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Mr. Bless moved to approve the minutes of March 15th, with second by Ms. Reed. Vote: Ayes.

Ms. Reed, having attended some downtown merchants' meetings, next asked that Kathy Ring of Kathy's Kopper Pot to explain her business. They make homemade candy, homemade chocolates and do catering for groups of under 50 people. Ms. Ring told the Council that she is eager to continue to work with the municipality to see that the downtown area continues to grow and the businesses continue to get the attention of our local residents.

Deb O'Reilly from the audience asked about an estimated time of completion for the Meridian Street Project. Mayor Henderson replied that in a meeting two weeks ago Hunt Paving indicated that as soon as the weather broke, the crews would be on the job until completion. The Mayor said that staff members are not pleased with their productivity, as Hunt Paving made certain promises last year that were not kept. He assured Ms. O'Reilly that staff was on this.

Jack Downs, referring to Resolution No. 04-08, told the audience he saw no reason for the Council to put the City in debt \$9 million for a \$6 million project.

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Armstrong reported that at the last Plan Commission meeting, Wal-Mart was the primary issue on the agenda. The recommendation was unfavorable by a vote of 7 – 1.

Mr. Deer reported that the tax abatement committee met last week and heard recommendations from Planning Director Ed Ferguson concerning issues in the primary areas applying for tax abatement. The committee is continuing their efforts and will meet tomorrow evening at 7:00 p.m. in the first floor conference room.

ORDINANCE No. 04-09 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately .68 Acres Located at the Southwest Corner of S.R. 135 and Smith Valley Road, and Commonly Known as the Schoolcraft Development, Inc. Property. **POSTPONED UNTIL APRIL 19, 2004 MEETING AND PUBLIC HEARING.**

ORDINANCE No. 04-11 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana and Providing for the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith" (Proposed Rezoning of approximately 68 acres of land located south of Cutsinger Road and east of Honey Creek Road, commonly known as the Komari Property). Attorney Robert Wildman, representing the petitioner, has sent a written request to continue

this item to the April 19, 2004 meeting since he is out of town. Mr. Bates moved to continue until April 19th, with second by Ms. Reed. Vote: Ayes. **CONTINUED UNTIL APRIL 19, 2004 MEETING.**

RESOLUTION No. 04-11 – A Resolution Transferring Money From the Cumulative Capital Improvement Fund – Cigarette Tax to the General Fund (\$150,000). Mr. Armstrong moved to pass Resolution No. 04-11 through first reading. Second by Mr. Deer. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-10 – An Ordinance Providing for an Additional Appropriation From the Cumulative Capital Improvement Fund (\$1,600,000) to the Board of Public Works and Safety for Reconstruction and Repair of a Portion of Streets Located in the Valle Vista Subdivision. Mr. Hardin moved to pass Ordinance No. 04-10 on second reading. Second by Ms. Reed. Mr. Armstrong told the Council that he had prepared adjustments to his proposal, based on the presentation of accountants Reedy & Peters at the last regular meeting and discussed his handout. With very slight modifications, Mr. Armstrong asserted, we would be able to fund the project as he originally proposed. The primary change would be to continue Cum Cap Improvement funding, he noted. Mayor Henderson asked about the \$1.5 million funding to do the main thoroughfares that he discussed three weeks ago, highlighting Meadowview from U.S. 31 to Main Street, Main Street from State Road 135 to U.S. 31, and Smith Valley Road. Mr. Armstrong replied that those were not included in his proposal. The Mayor added that money should be in CCI and CCD for needs such as software in the Clerk-Treasurer's office; the money in the bond issue, he said, is to fix those subdivisions so the rest of the income coming in can take care of the remaining streets and roads in the City. Mayor Henderson said that a balance in the Cum Cap funds does not mean the City can do what it needs to do. Mr. Hardin asserted that past administrations have looked for additional funding solutions to handle any type of budget shortfall, and he has never seen cuts. If Mr. Armstrong's plan does work, replied the Mayor, we are four years at best before Northern Park is taken care of and three years at best before all of Valle Vista is taken care of, and they need maintenance, which will cost money that is not figured in. Mr. Armstrong replied that his plan is "spending as usual; if we continue to spend at the rate we are spending, we will have problems, whether we do a bond issue or not."

Ms. Reed indicated that she checked ordinances for the last six years and found that we have had additional appropriations amounting to \$6,783,825. Mayor Henderson countered that this is not about fitting in with additional appropriations – this is about major reconstruction and investment in our neighborhoods. Mayor Henderson told the Council that if Mr. Armstrong's plan is voted in he will do his best to make it work, but he is not at all confident that it can work, and told the Council they are taking the responsibility. Mr. Deer asked how they can compare the \$3.2 million with the \$549,000 in CAGIT funds lost, which over four years is about \$2.2 million – the bond only costs \$1 million more. He then asked about the last column in the handout. Mr. Armstrong said he was maintaining the CCI deposits. At the very worst, he said, there is a transfer from the Cigarette Tax to the CCI fund to maintain a positive balance and at no time would it require that we go into the CCD fund. Mayor Henderson said that the bond proposal would not touch CCD either. He noted that most of his requests for special appropriations have been for road projects; we have roads we need to invest in.

Mr. Bates read a statement at this time. He observed that there is a need to repair and replace streets in Valle Vista and Northern Park. That may have existed for a number of years. Other streets in the City are also in disrepair, and there are other needs that the City is facing, highlighting the need for space for all of our City departments. There are two plans to address tonight. Obligations as elected officials include knowing all facts surrounding an issue, listening to the concerns of constituents as well as seeking their input on important matters, and casting a vote independent of fellow legislators. Mr. Bates' stated opinion was "I do not believe we should borrow money on a depreciating endeavor...when and if we do issue a bond, it should benefit all the citizens in Greenwood, not just a few."

There was a question from the audience about whether Northern Park was a part of Mr. Armstrong's plan for next year. Mayor Henderson said it was not, and that next year the Council would have to appropriate money for Northern Park, then skip a year to go to Valle Vista, and come back the following year to finish Northern Park. The Mayor commented that in his opinion Northern Park is the largest congested area we have, the most dense, the oldest subdivision, and needs the most maintenance. Valle Vista would be second, he added. Mr. Armstrong explained that since the residents of Northern Park endured the work on Meridian Street last year, as he was talking with various constituents he learned that they do not want year after year of construction in their area.

Robert Peavler of Northern Park asked what it would cost to contract the job year after year and also brought up the loss of CAGIT money that the financial consultants had discussed. Mayor Henderson said

that after 2007 the City will lose approximately \$550,000 in CAGIT money because the indebtedness will be gone on the Surina Square buildings and the fire trucks if we don't incur more indebtedness. Mr. Peavler said that the neighborhood is slowly going down and the streets need repair. He promised that if the streets are not fixed he would remember it next election. Mr. Armstrong replied that he has also talked with others in Northern Park that are in favor of his plan to save \$3.2 million. Ms. Reed called for the question. Vote: Ayes – Bless, Hardin, Reed, Armstrong, Bates; Nays – Deer, Gibson. Debate was cut off. Roll call on Ordinance No. 04-10: Ayes – Hardin, Reed, Armstrong, Bates; Nays – Deer, Gibson, Bless. **ORDINANCE No. 04-10 PASSED SECOND READING.**

Ms. Reed moved to postpone Resolution No. 04-07 until further information is available. Mayor Henderson explained that this only authorizes payment of certain expenditures out of bond proceeds if Resolution No. 04-08 passes, not whether we pay or don't pay for professional services but how they will be paid. Mr. Armstrong wanted to move to skip this resolution, so Ms. Reed withdrew her motion. Mr. Armstrong moved to skip Resolution No. 04-07 until after the vote on Resolution No. 04-08. Second by Ms. Reed. Vote: Ayes. Motion carried.

RESOLUTION No. 04-08 – Resolution Authorizing Appropriation of Proceeds of Bonds For the Purpose of Providing Funds to be Applied to Pay for the Construction and Maintenance of Public Ways, and Incidental Expenses in Connection Therewith and On Account of the Issuance of the Bonds. Mr. Gibson moved to pass Resolution No. 04-08 on second reading. Second by Mr. Deer. Mr. Deer commented on the differences in philosophy that have come forward tonight. His philosophy is that “bonding is appropriate in a situation like this...as the City grows, the obligation per person decreases over time.” He expressed his concern about the impact of Ordinance No. 04-10 on CAGIT and about the fact that this Council will be searching for money during the next four years and hiring bond counsel. Mr. Gibson stated again that he thought the plan to fix Valle Vista before Northern Park is unfair. Vote: Ayes --- Bless, Deer, Gibson; Nays – Hardin, Reed, Armstrong, Bates. **FAILS.**

RESOLUTION No. 04-07 – A Resolution of the Common Council of the City of Greenwood, Indiana Authorizing the Reimbursement of Certain Expenditures Made Prior to the Issuance of Long-Term Financing. Mr. Bates moved to pass Resolution No. 04-07 on second reading. Second by Mr. Deer. In response to Mr. Armstrong, Ms. Koons-Davis commented that we have not been invoiced by bond counsel, so with the defeat of the bond issue they will likely have to be paid out of Board of Works 331. Mr. Deer pointed out that the council last year decided to hire the financial consultants for a bond issue, so the expenditures were appropriate. Vote: Nays. **FAILS.**

RESOLUTION No. 04-09 – A Resolution of the Greenwood Common Council Authorizing the Filing of a Grant Application With the Indiana Criminal Justice Institute and/or the U.S. Department of Justice for Funds to Purchase and Install a Video Conferencing System for the Greenwood City Court. Mr. Bates moved to pass Resolution No. 04-09 on second reading. Second by Ms. Reed. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 04-10 – A Resolution of the Greenwood Common Council Expressing Interest in the Purchase of Land. Mr. Hardin moved to pass Resolution No. 04-10 through second reading. Second by Mr. Bless. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-12 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana (Approximately 94 acres of land along both the west and east sides of S.R. 135, north of Olive Branch Road – commonly known as the DSA, LLC, Alyea, Wilderness Development, Inc., Ace Securities, Inc. and Forest Lawn Memory Gardens, Inc. Properties). **INTRODUCED.** Attorney Martha McQueen of Steve Huddleston's office spoke first. About 19 acres – the Olive Branch Park Project – are located on the west side of S.R. 135. The remaining 74½ acres is on the east side of S.R. 135. The 19 acres on the west side of S.R. 135 is now zoned County B-1. Thirty-three acres on the east side of S.R. 135 is now zoned R-4, and the eastern most 42 acres is zoned R-1 for cemetery purposes. They are asking that the 19 acres on the west side be rezoned from B-1 to C-2, approximately 38½ acres on the east side of S.R. 135 from R-4 and R-1 to C-2 and the easternmost 36 acres to R-1. They would like the public hearing to be in sixty days. Counsel indicated that the first meeting scheduled at least sixty days after introduction would be June 7th. At her recommendation Mr. Bates moved to postpone first reading and public hearing to June 7th. Second by Mr. Bless. Vote: Ayes. **POSTPONED UNTIL JUNE 7, 2004 MEETING FOR PUBLIC HEARING AND FIRST READING.**

RESOLUTION No. 04-12 – A Resolution of the Greenwood Common Council Expressing Interest in the Purchase of Land. Ms. Koons-Davis reminded the Council that this is the Resolution she was requested to prepare by Councilman Hardin concerning the Gilmour property, adjacent to the City Building. **INTRODUCED.**

RESOLUTION No. 04-13 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 94 Acres Located on the Northwest and Northeast Corners of State Road 135 and North of Olive Branch Road, Referencing Annexation Ordinance No. 04-12. **INTRODUCED.**

RESOLUTION No. 04-14 – A Resolution of the Greenwood Common Council Supporting Federal Transportation Reauthorization. **INTRODUCED.** Ms. Koons-Davis reported that Congress passed the Federal Transportation Reauthorization Act but the President has threatened to veto it. Mr. Armstrong suggested then amending the Resolution by deleting “Congress to pass and”. The President would still be urged to sign the bill. Mr. Deer moved to amend the Resolution as described. Second by Mr. Bates. Vote: Ayes. **AMENDED.** Mr. Deer moved to suspend the rules to consider first reading. Second by Mr. Gibson. Vote: Ayes. **RULES SUSPENDED.** Mr. Bates moved to pass Resolution No. 04-14, as amended, through first reading. Second by Mr. Gibson. Vote: Ayes. **PASSED FIRST READING, AS AMENDED.** Mr. Bless moved to suspend the rules to consider second reading. Second by Mr. Hardin. Vote: Ayes. **RULES SUSPENDED.** Mr. Hardin moved to pass Resolution No. 04-14, as amended, through second reading. Second by Mr. Armstrong. Vote: Ayes. **PASSED SECOND READING AS AMENDED.**

Under miscellaneous business, Mr. Hardin reported two complaints about speeders on Monticello Drive. Police Chief Hessman commented that he thought that was addressed today. There was also a question about reducing the speed limit. There would need to be a traffic study. Chief Hessman indicated that the probability was you would probably see speeds higher than the posted limit, which would not allow for the reduction.

Ms. Reed told the Council she had received a couple of calls from Tom Flora from Insight Communications and suggested setting up a meeting with him fairly quickly. Mayor Henderson will check his calendar after the meeting.

The Clerk-Treasurer reported that she had a meeting with IKON concerning the City’s copiers. By combining five of our maintenance contracts into one, we will go from paying \$1,565 a month to \$832 a month. She would like to bring this up at the next Board of Works meeting. Mayor Henderson replied that the Clerk-Treasurer in the past had been given the authority to enter into that contract and did not need to come to the Board of Works.

There was a request from the audience to check Meridian Street for speeders again.

Nate Rowe of Valle Vista wanted assurance that the quality of road repairs would be up to City standards and that other priorities would not detract from this priority. Mr. Armstrong pointed out that the ordinance states this is a four-year plan, but because the City budgets one year at a time, it adds that it is the intent of the Council to continue this as a four-year program. He told Mr. Rowe he totally intends to follow through. Mayor Henderson assured Mr. Rowe that his administration will make sure the quality is the same.

Karl Kreck asked when the project would begin. Mayor Henderson responded that the State will need to approve the additional appropriation, which is a two- to three-week process. When that is done, the City can start the bid process. Mr. Kreck thanked the Council for its action. Mr. Rowe asked about the design and its time frame. Mayor Henderson hoped to be ready to go out for bids within six weeks at the latest. The bid documents are public record. There was discussion about having a preview of which streets would be done first in Valle Vista. Mr. Rowe asked about the homeowners’ association having input. Mayor Henderson said we would stay with the specifications, but they are public record on file at the Clerk-Treasurer’s office.

Pat Matthews mentioned that the sidewalks in his addition are torn up so that they cannot be used. Pedestrians must walk in the street. There are so many violators, added Mr. Matthews, that the stop sign at the intersection of Northgate Drive and Crestview might as well be removed. The street surface at the intersection of Meridian Street and Main Street needs work as well, he said. Staff is aware of that, Mayor Henderson said, and this is one of those things that will need an additional appropriation.

Linda Gibson, who heads Flags for Greenwood with her husband, reported that they have been contacted by the Johnson County Community Foundation. If Flags for Greenwood can raise \$2,000 by May 1st, they will give them a matching grant. Ms. Gibson noted it will take about \$5,000 to replace flags at the end of the year.

Mayor Henderson told Council members that employee handbooks would be available to them after the meeting.

Today was the first day of limb pickup with the new equipment. Fewer employees are needed and work significantly fewer hours, so this is paying dividends, the Mayor commented.

There will be an executive meeting of the Board of Public Works and Safety and the Council after the Board meeting on Thursday morning. The Mayor stressed the importance of their attendance to discuss potential litigation and resolving some issues.

The Planning Department, Engineering Department and Legal Department have moved into their offices at Mission Hills. The Mayor encouraged the Council to stop and visit the new facility.

The Mayor has ordered department heads to have their budgets to him by the first part of May. He plans to have them to Council members no later than the second Council meeting in May.

With no further business, the meeting adjourned at 8:15 p.m.